

REMARKS/ARGUMENTS

As a result of the above amendments, Claims 1, 3-22, 24-43, and 45-46 remain pending. Claims 1, 17-19, 22, 40 and 43 have been amended and Claims 2, 23 and 44 have been canceled. No new matter has been added.

Remarks Concerning Rejections Under 35 U.S.C. § 102

U.S. Patent No. 6,353,382 to Hymel (“Hymel”)

On page 2 of the October 6, 2004, Office Action (“Office Action”), the Examiner rejected Claims 1, 3, 15-16, 22, 24, and 36-37 under 35 U.S.C. 102(b) as being anticipated by Hymel.

By this Reply, Claim 1 has been amended to include all of the limitations of Claim 2, namely “providing for compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message is displayed on the displays of the plurality of wireless devices.” Also by this Reply, Claim 22 has been amended to include all of the limitations of Claim 23, namely “means for compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message is displayed on the displays of the plurality of wireless devices.” The Examiner stated on page 4 of the Office Action that Hymel “is silent on teaching displaying the priority message on the display of wireless devices before any other message is displayed.” Therefore, the 102(b) rejection no longer applies to amended Claims 1 and 22. Therefore, Applicant respectfully requests that this rejection be removed by the Examiner in light of the amendments made herein.

Claims 3, 15-16, 24, and 36-37 are dependent on amended Claims 1 and 22. Therefore, Applicant respectfully requests that this rejection be removed as regards Claims 3, 15-16, 24, and 36-37, as well.

U.S. Patent No. 6,351,656 to Burgan et al. (“Burgan”)

On page 3 of the Office Action, the Examiner rejected Claims 43-44 and 46 under 35 U.S.C. 102(b) as being anticipated by Burgan.

By this Reply, Claim 43 has been amended to include all of the limitations of Claim 44 and Claim 44 has been canceled. Regarding amended Claim 43, Burgan does not teach a “means

for compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message is displayed on the displays of the plurality of wireless devices.” Rather, Burgan teaches the use of “persistent page messages.” According to Burgan, “once a message is decoded as an important or priority message by the pager, *and read by the user*, the message will remain persistently on the display to remind the user of the message whenever he looks at his pager’s display.” See Burgan at col. 3, lines 11-15 (emphasis added). Burgan says nothing about the order in which messages are to be initially displayed on the device, let alone that priority messages are to be displayed before any other message is displayed. Burgan simply says that *once the priority message is read, it remains on the display* “at least periodically as shown in FIG. 4, until the message is deleted from the pager by the user.” See Burgan at col. 3, lines 15-20. According to Burgan, “[t]his allows the user of a communication device such as a pager, cellular telephone, etc. a chance to recall an important message that may need to be acted upon latter [sic] in the day.” See Burgan at col. 4, lines 22-25. In other words, Burgan’s persistence paging is merely a reminder system of messages *that have already been read*, but not yet deleted – akin to the old tying of a string around one’s finger so as not to forget. Burgan does not discuss the order in which *unread* messages are to be compelled to appear on the wireless device display and, in particular, the wireless device of amended Claim 43 having “means for compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message is displayed on the displays of the plurality of wireless devices.”

The persistent page display described in Burgan is quite different from Applicant’s requirement that the priority message be compelled to be displayed on the displays of the wireless devices before any other message is displayed, thereby overriding “any and all other display features in order to notify of, and present to, an end user a priority message.” See present Application at page 18, lines 20-22. According to Applicant’s disclosure, “[d]uring the period between the receipt of a priority message and the actual displaying of it, the pager will receive and function normally; however, the pager will display the priority message(s) first, regardless of the amount of received messages in the interim.” See present Application at page 18, lines 24-27. Further, “[i]n the event that more than one *unread* priority message is stored on the wireless device 2, all *unread* priority messages will be displayed before returning to ‘normal’ operation.”

See present Application page 18, line 29 thru page 19, line 2 (emphasis added). Therefore, Applicant's invention requires a particular order in the displaying of ***unread messages***, i.e., that priority messages be compelled to be displayed before all other messages. Amended Claim 43 includes this limitation. Therefore, Applicant respectfully submits that amended Claim 43 is in condition for allowance.

The Examiner also rejected Claims 44 and 46. Claim 44 has been canceled by this Reply and Claim 46 is dependent on amended Claim 43. Therefore, Applicant respectfully traverses this rejection and submits that because Claim 43 is in condition for allowance, so too is dependent Claim 46.

Remarks Concerning Rejections Under 35 U.S.C. § 103

Hymel in view of Burgan

On page 4 of the Office Action, the Examiner rejected Claims 2, 10-12, 23, and 31-33 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Burgan.

As noted above, Claim 1 has been amended to include all of the limitations of Claim 2 and Claim 22 has been amended to include all of the limitations of Claim 23. Therefore, Applicant will treat the 103(a) rejection as applying to amended Claims 1 and 22, as well as Claims 10-12 and 31-33.

The Examiner correctly noted on page 4 of the Office Action that Hymel "is silent on teaching displaying the priority message on the display of wireless devices before any other message is displayed." The Examiner stated that Burgan teaches this step. However, as noted above, Burgan does not teach the step of compelling the displaying of the priority message on the displays of the plurality of wireless devices before any other message is displayed. Rather, Burgan teaches the use of "persistent page messages." According to Burgan, "once a message is decoded as an important or priority message by the pager, ***and read by the user***, the message will remain persistently on the display to remind the user of the message whenever he looks at his pager's display." See Burgan at col. 3, lines 11-15 (emphasis added). Burgan says nothing about the order in which messages are to be initially displayed on the device, let alone that priority messages are to be displayed before any other message is displayed. Burgan simply says that ***once the priority message is read, it remains on the display*** "at least periodically as shown

in FIG. 4, until the message is deleted from the pager by the user.” See Burgan at col. 3, lines 15-20. According to Burgan, “[t]his allows the user of a communication device such as a pager, cellular telephone, etc. a chance to recall an important message that may need to be acted upon latter [sic] in the day.” See Burgan at col. 4, lines 22-25.

As noted above, the persistent display described in Burgan is quite different from Applicant’s requirement that the priority message be compelled to be displayed on the displays of the wireless devices before any other message is displayed, thereby overriding “any and all other display features in order to notify of, and present to, an end user a priority message.” See present Application at page 18, lines 20-22. According to Applicant’s disclosure, “[d]uring the period between the receipt of a priority message and the actual displaying of it, the pager will receive and function normally; however, the pager will display the priority message(s) first, regardless of the amount of received messages in the interim.” See present Application at page 18, lines 24-27. Further, “[i]n the event that more than one ***unread*** priority message is stored on the wireless device 2, all ***unread*** priority messages will be displayed before returning to ‘normal’ operation.” See present Application page 18, line 29 thru page 19, line 2 (emphasis added). Therefore, Applicant’s invention requires a particular order in the displaying of ***unread messages***, i.e., that priority messages be compelled to be displayed before all other messages. Amended Claims 1 and 22 include this limitation. Therefore, Applicant respectfully submits that amended Claims 1 and 22 are in condition for allowance.

The Examiner also rejected Claims 2, 10-12, 23, and 31-33. Claims 2 and 23 have been canceled by this Reply and Claims 10-12 and 31-33 are dependent on amended Claims 1 and 22. Therefore, Applicant respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 10-12 and 31-33.

Hymel in view of U.S. Patent No. 6,515,577 to Ong et al. (“Ong”)

On page 5 of the Office Action, the Examiner rejected Claims 4-5 and 25 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Ong.

Claims 4-5 and 25 are dependent on amended Claims 1 and 22, which, as noted previously, are patentably distinct over all of the cited references. Therefore, Applicant respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 4-5 and 25.

Application No.: 10/661,090
Attorney Docket No. 3861 P 012
Reply to Office Action of October 6, 2004

Hymel in view of Ong and further in view of Burgan

On page 6 of the Office Action, the Examiner rejected Claims 5-8 and 26-29 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Ong and further in view of Burgan.

Claims 5-8 and 26-29 are dependent on amended Claims 1 and 22, which, as noted previously, are patentably distinct over all of the cited references. Therefore, Applicant respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 5-8 and 26-29.

Hymel in view of U.S. Patent No. 6,671,351 to Menard et al. (“Menard”)

On page 7 of the Office Action, the Examiner rejected Claims 9 and 30 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Menard.

Claims 9 and 30 are dependent on amended Claims 1 and 22, respectively, which, as noted previously, are patentably distinct over all of the cited references. Therefore, Applicant respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 9 and 30.

Hymel in view of Burgan and further in view of U.S. Patent No. 6,157,814 to Hymel et al. (“Hymel II”)

On page 7 of the Office Action, the Examiner rejected Claims 13-14 and 34-35 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Burgan and further in view of Hymel II.

Claims 13-14 and 34-35 are dependent on amended Claims 1 and 22, which, as noted previously, are patentably distinct over all of the cited references. Therefore, Applicant respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 13-14 and 34-35.

Hymel in view of U.S. Patent Application Publication No. 2003/0022684 to Seeger (“Seeger”)

On page 8 of the Office Action, the Examiner rejected Claims 17, 19-21, 38, and 40-42 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Seeger.

Claims 17, 19-21, 38, and 40-42 are dependent on amended Claims 1 and 22, which, as noted previously, are patentably distinct over all of the cited references. Therefore, Applicant

Application No.: 10/661,090
Attorney Docket No. 3861 P 012
Reply to Office Action of October 6, 2004

respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 17, 19-21, 38, and 40-42.

Hymel in view of Seeger and further in view of Burgan

On page 9 of the Office Action, the Examiner rejected Claims 18 and 39 under 35 U.S.C. 103(a) as being unpatentable over Hymel in view of Seeger and further in view of Burgan.

Claims 18 and 39 are dependent on amended Claims 1 and 22, respectively, which, as noted previously, are patentably distinct over all of the cited references. Therefore, Applicant respectfully traverses this rejection and submits that because Claims 1 and 22 are in condition for allowance, so too are dependent Claims 18 and 39.

Burgan in view of Ong

On page 9 of the Office Action, the Examiner rejected Claim 45 under 35 U.S.C. 103(a) as being unpatentable over Burgan in view of Ong.

Claims 45 is dependent on amended Claim 43, which, as noted previously, is patentably distinct over all of the cited references. Therefore, Applicant respectfully traverses this rejection and submits that because Claim 43 is in condition for allowance, so too is dependent Claim 45.

Remarks Concerning Other Claim Amendments

Claims 17-19 and 40 have been amended by this Reply only to fix minor typographical errors.

Application No.: 10/661,090
Attorney Docket No. 3861 P 012
Reply to Office Action of October 6, 2004

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that Claims 1, 3-22, 24-43, and 45-46 are in condition for allowance and requests timely notification of same.

Respectfully submitted,

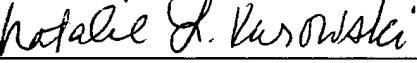
Dated: January 6, 2005

By:


James P. Muraff, Reg. No. 39,785
Wallenstein Wagner & Rockey, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
312.554.3300

CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 6, 2005.


Natalie L. Kurowski
(216098v1)